



# CUSTOMS & QUARANTINE AGENCY, GUAM

Guam's First Line of Defense. Protecting Our Island, Our People, Our Resources.

*Director – Ret. Col. Dennis J Santo Tomas*  
*Chief – Col. Raffaele M.J. Sgambelluri*

CQA-DIR-213-10  
**MEMORANDUM**

Date: October 14, 2010

To: All Customs and Quarantine Agency Personnel

From: Director of Customs

Subject: Interim Directive  
Re: Maximum Charge under the Carrier Off-Duty Service Program

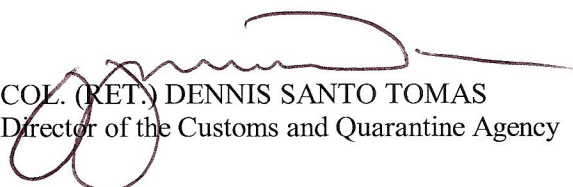
Pursuant to 5GCA, Chapter 73, §73203, "Charges for Carrier Off-Duty Services of Customs and Quarantine Officers..." it stipulates that "...All operations of any person... that require the services of [off-duty] Customs and Quarantine Agency Officers... shall be charged for services as are rendered by officers... but not to exceed a maximum charge of Two Hundred Seventy-five Dollars (\$275.00) per officer per day..."

With recent increases in law enforcement pay, it has become more and more possible for officers to surpass the maximum charge allowed under the law. The Agency will be taking steps to re-evaluate this maximum charge with both our Executive and Legislative leadership to amend this requirement to be more in line with our operations and the current pay scales of the Agency. Pending any changes to the maximum charges allowed, however, and to ensure our continued compliance with applicable statute, the following directive is hereby issued:

1. Foreseeable Conflict: Staffing Responsibilities. When staffing off-duty service assignments, it shall be the responsibility of both the airport duty supervisor and each eligible ODS officer to avoid assuming any ODS assignment whereby it can be reasonably determined in advance that such assignment will cause the eligible ODS officer to exceed the maximum charge authorized pursuant to statute (whether due to an accumulation of assignments per day, the historically known nature of that particular individual assignment, or both). In the event that such a situation arises during the course of staffing an ODS assignment, the eligible ODS officer shall be excused from that assignment (without penalty), and be afforded the next available ODS assignment that will not circumvent the intent of this directive and/or present a conflict with statute.
2. Unforeseen Conflict due to Exigent Circumstances – ODS Officer Responsibilities. In the event that an ODS Officer will exceed the maximum charge during the course of an assignment due to an unforeseen or exigent circumstance related to the provision of an ODS assignment, the following steps shall be taken:
  - a. The affected ODS officer shall immediately notify the airport duty supervisor of the situation and the unforeseen or exigent circumstance that will cause him/her to exceed the maximum charge;
  - b. The affected ODS Officer shall continue with the service provision until completed, but on a government time basis commencing at the end of the last

- chargeable ODS hour in which the affected officer does not exceed the maximum charge permitted under the ODS Statute;
- c. The affected ODS officer shall record his out time on the CQ6 form as being the end of his/her last chargeable hour that does not exceed the maximum charge permitted under the ODS statute, but shall also note in the remarks section of the CQ6 form the actual completion time of the service; and
  - d. Upon completing the assignment, the affected ODS officer shall immediately report his/her completion time to the Airport Duty Supervisor for recording and accountability purposes.
3. Unforeseen Conflicts due to Exigent Circumstances – Airport Duty Supervisor Responsibilities. Upon being notified by an ODS officer that they will exceed their maximum charge permitted under the ODS statute, the Airport Duty Supervisor shall:
- a. Record the date and time the report was received, and the particulars/details/circumstance surrounding the situation in the airport running log;
  - b. Complete the CQ7 form as applicable, to include the circumstances justifying the need for government hours to complete the service; and
  - c. Upon notification by the affected ODS Officer, record the date and time the ODS service provision was completed in the airport running log.
4. Penalties. Any officer that knowingly and/or willfully circumvents/violates this directive will be subject to the following penalties:
- a. Immediate removal from the ODS program subject to reinstatement only by the Director or Chief of Customs; and
  - b. Corrective action to include, but not limited to, reprimand, suspension, demotion, or dismissal as may be warranted.

This directive shall remain in effect until otherwise amended, rescinded, incorporated into general order, or the statute pertaining to maximum charges is amended. If you should have any questions, please consult your division manager for further guidance. Thank you for your kind patience and cooperation.

  
COL. (RET.) DENNIS SANTO TOMAS  
Director of the Customs and Quarantine Agency